

Entered - 09/14/01 - sb
CL0L0562 - DIANNE C. MITCHELL

CLAIM OF: **LOLETTA MODICUE,**
through her attorney,
Tony L. Axi
1280 West Peachtree Street
Suite 310
Atlanta, Georgia 30309

01- /2-1625

For damages alleged to have been sustained as a result of personal injuries during her arrest on September 2, 2000 at 54 Pharr Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED
CITY CLERK OCT 15 2001

ADVERSE REPORT

COMM: R. L. Q.
DATE: OCT 09 2001

CHAIR: C. T. Martin

Chela T. Martin
C. T. Martin



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 25, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Tony L. Axaam
Attorney at Law
1280 West Peachtree Street
Suite 310
Atlanta, GA 30309

01-R-1625

RE: Loletta Modicue

Dear Attorney Axaam:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0562

Date: September 20, 2001

Claimant /Victim LOLETTA MODICUE
BY: (Atty) Tony Axa
Address: 1280 West Peachtree Street, Suite 310, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 08/20/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 09/03/00 Place: 54 Pharr Road, NE
Department Police Division:
Employee involved Officer R. Bunn Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was injured when she was arrested by police. An investigation conducted by the Office of Professional Standards in the Police Department did not sustain the allegations alleged by the claimant. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

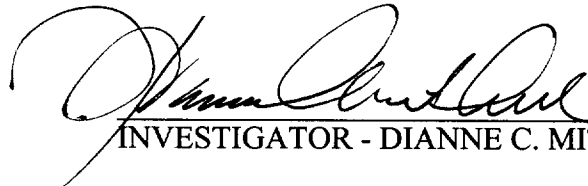
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

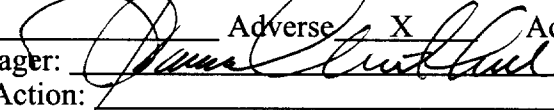
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 09-2001
Committee Action: Council Action

RCS# 3186
10/15/01
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1625

Unfavorable Claims; Items #6-#23,
#26 & #27
ADVERSE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE